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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH CONTRERAS, an individual, Case No.: 3:08-CV-02849 SBA

v. Plaintiff,

REPLY TO DEFENDANTS' 12(b)(6) MOTION

HSBC CONSUMER LENDING USA, dba
BENEFICIAL; ASSET ACCEPTANCE LLC;
DOES 1 THROUGH 10.

Date: September 9, 2008
Time: 1:00 P.M.
Place: Courtroom 3, 3rd Floor,
Oakland Court

Defendants.

Plaintiff has brought suit against Defendants alleging violations of Federal and State law regulating debt collectors. Since filing her lawsuit, Plaintiff filed Chapter 7 bankruptcy and in her petition exempted her claim against Defendants.

Defendants have filed a 12(b)(6) motion seeking to dismiss the lawsuit on the ground that Plaintiff lacks standing and that the suit can only be prosecuted by the Chapter 7 trustee.

The Bankruptcy Court on August 18, 2008 approved the claimed exemption setting aside the property from the bankruptcy estate (BLR 4003-1(a)). Attached is a copy of the Court's Order, Exhibit A. The trustee no longer has an interest in the property and the property belongs to Plaintiff who now seeks to vindicate her claim before this Honorable Court.

WHEREFORE, Plaintiff prays that Defendants' motion be denied and a Scheduling Order issued from the Court.

Dated: August 19, 2008

Irving L. Berg /s

EXHIBIT A

Entered on Docket

August 19, 2008

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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7 Attorney for Debtor

Signed and Filed: August 18, 2008

THOMAS E. CARLSON
U.S. Bankruptcy JudgeUNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No.: 08-30954 TEC 7

Chapter 7

ELIZABETH CONTRERAS,

**ORDER APPROVING CLAIMED
EXEMPTIONS**

Debtor.

/

The Court has considered the Debtor's Motion to approve claimed exemptions.

Electronic service has been made on the U.S. Trustee and Panel Trustee.

GOOD CAUSE APPEARING, the Motion is granted and the exemptions claimed
by Debtor are approved as claimed.

** END OF ORDER**